Application Serial No.: 09/781,912
Attorney Docket No.: 979642-600001

REMARKS

Claims 1-are currently pending. Reconsideration of this application is respectfully

requested.

Claims 1-20 are pending in the application. Claims 1-13, 15, 16, and 20 stand rejected

under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,665,711 to Boyle *et*

al. (hereinafter "Boyle") in view of U.S. Patent No. 6,584,098 to Dutnall (hereinafter "Dutnall").

Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Boyle and

Dutnall in view of U.S. Patent No. 6,643,650 to Slaughter *et al.* (hereinafter "Slaughter").

Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Boyle and Dutnall

in view of U.S. Patent No. 6,700,902 to Meyer (hereinafter "Meyer"). These rejections are

respectfully traversed.

The Office Action asserts Boyle discloses the subject matter recited independent claims 1

and 8 except for effecting priority treatment of an actual session between a wireless

communication device and a remote computer network by allocating dedicated resources of the

intermediary computer system to enable the actual session connection to mimic a circuit

connection. The Office Action then asserts that Dutnall discloses a telecommunications system

comprising an intermediary computer system that provides connectionless support for data

transmission by allocating resources and that uses an RSVP protocol to provide priority

treatment of the established call/session. The Office Action asserts that it would have been

obvious to combine the disclosure of Boyle with that of Dutnall "for the purpose of

implementing a means to determine the type of treatment a session should receive when []

allocating resources for a requested session, because a particular protocol has to be determined

for effectively transmitting the data on the network in order to provide the appropriate quality of service to the clients of the network."

It is respectfully submitted that the rejection does not make out a *prima facie* case of obviousness at least because one of ordinary skill in the art would not have been motivated to combine the disclosures of the applied references as suggested by the Office.

Boyle is directed to a method of communicating with a wireless (e.g., mobile) device that utilizes both a narrowband channel and a wideband channel. A low cost narrowband channel is used to notify users of updates to their desired information, and users can fetch the updated information, when needed, using the wideband channel. The use of both a narrowband channel and wideband channel provides an efficient way for users to retrieve the desired information at low cost and without unnecessarily increasing network traffic. (Abstract and Figs. 1-4.)

Dutnall is directed to a system for carrying packetized voice and other traffic that cannot tolerate delays over a circuit-switched connection when such a connection is available. Incoming packets from a packet data network are identified as having voice characteristics and are diverted to travel to a circuit-switched network instead of a packet network. (Abstract.) An RSVP (Reservation Protocol) indicator can be placed in a packet header so that a router will give priority treatment to such packets. (Col. 3, lines 33-37). The use of the RSVP protocol is used to recognize a voice call and reserve resources at the router. (Col. 9, lines 58-62.) The initial packet may contain information as to the whether the destination is a voice terminal or a data terminal, and in such a case, if it is determined that the destination uses voice capabilities or traditional voice applications, the packet is speech encoded as for a normal GSM speech call. (Col. 11, lines 46-69.) The use of the RSVP protocol indicates to the packet switching network that all packets should take the same route so as to achieve similar delays through the packet

switch network, and the system of Dutnall further inspects packets for RSVP protocols and

routes such packets to a circuit-switched connection on the circuit side of a cellular network.

(Col. 12, lines 38-66; Col. 13, lines 39-41.)

Considering the above-noted subject matter of the applied references, one of ordinary

skill in the art would not have been motivated to combine those disclosures as suggested by the

Office. The Office asserts that it would have been obvious to combine the disclosures "for the

purpose of implementing a means to determine the type of treatment a session should receive

when [] allocating resources for a requested session, because a particular protocol has to be

determined for effectively transmitting the data on the network in order to provide the

appropriate quality of service to the clients of the network." The hypothetical modification

suggested by the Office is not understood. Is the Office suggesting a modification as to how

Boyle identifies and treats wideband and narrowband information by coding data packets with

the RSVP protocol? Such a modification, if that is what is being suggested, would seem

unnecessary since, as noted above, Boyle's system already allocates resources (wideband and

narrowband communication) based on content (notifications of updates versus the actual updated

information itself).

In addition, the Office's statement "because a particular protocol has to be determined for

effectively transmitting the data on the network in order to provide the appropriate quality of

service" is not understood. It appears that the Office is suggesting that a particular protocol is to

be selected based on some attribute of the data transmitted. However, that is not what Dutnall

discloses. Rather, Dutnall discloses that different protocols are used for delay-intolerant data

(e.g., Col. 3, lines 23-39), but does not disclose selecting from among protocols based on data

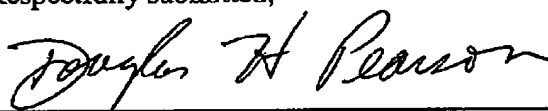Application Serial No.: 09/781,912
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attributes. Should the Office retain this ground of rejection, the Office is respectfully requested

to explain exactly what hypothetical modification is being suggested to the system of Boyle.

For at least the above-noted reasons, withdrawal of the rejection and allowance of claims

1 and 8 are respectfully requested. The remaining claims 2–7 and 9–20 are allowable at least by

virtue of dependency.

In light of the above, withdrawal of the rejections and objections of record are

respectfully requested so that the present application may pass to issuance. Should there be any

questions in connection with this application, the Examiner is invited to contact the undersigned

at the number below.

Respectfully submitted,

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